

EXHIBIT 4

0115-R STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

Definitions

Bullying

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. Power imbalance - occurs when a bully uses his/her physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and the target believe the bullying will continue.
4. Terror - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

Discriminatory conduct includes denial of access to facilities, the application of a dress code, or restrictions on the use of names or pronouns or the pronunciation of names if such actions are based on the group, class or category to which the person subjected to such conduct belongs.

Harassment

Harassment, as that term is used in this policy, in the District Code of Conduct and in the

Board's policies and regulations on Equal Opportunity, is defined as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (c) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Harassment encompasses conduct or acts constituting threats, intimidation or abuse that occur on school property (irrespective of whether they occur during the school day) or off school property if such conduct or acts constituting threats, intimidation or abuse create or foreseeably (i) would create a risk of substantial disruption within the school environment or (ii) would adversely affect the educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being of any individual or group of individuals.

The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race (hair texture and certain hairstyles as a trait associated with race),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the district's effort to address bullying. The components of such an effort involve the following:

- Developing and implementing curriculum that emphasizes empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and

other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.

- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

Sexting

"Sexting", as that term is used in this policy and in the District Code of Conduct, means the sending, receiving or forwarding of sexually provocative nude or nearly nude photographs through text messages or email which can be used to hurt, harass and humiliate others.

Threats, Intimidation or Abuse

"Threats, intimidation or abuse", as used in this policy includes verbal and non-verbal actions.

Role of the Dignity Act Coordinator(s)(DAC)

The Board of Education will annually designate a staff member as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, the Board shall annually designate a District Dignity Act Coordinator (who may be a building DAC) who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

Incident(s) Reporting

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of bullying and persons with knowledge of bullying report such behavior immediately to the building principal, the DAC, the Athletic Director, the Superintendent, or any staff member as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The person (other than a staff member) will be provided the opportunity to make an anonymous report through a written report form. However, such form shall make clear that the failure to identify the reporter may make it more difficult for the district to conduct a thorough and fair investigation of the report. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Any staff member who observes or learns of incident(s) of bullying are required, in accordance with State law, to orally report it to the building principal, the building DAC, or the Superintendent within one school day and to fill out the district reporting form within two school days. If a staff member is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the victim complains.

The district will thoroughly, promptly and equitably investigate all reports and complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. An investigation of a report or complaint of harassment, bullying, or discrimination shall be conducted without regard to whether the alleged victim of such conduct requests that the matter not be pursued.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the alleged victim or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants and alleged victims.

If an alleged victim requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the alleged victim that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against alleged victims, complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the alleged victim still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal or the assistant principal shall make all reasonable efforts to resolve complaints through conciliation prior to investigation at the school level. The goal of conciliation procedures is to end the bullying, prevent future incidents, ensure the safety of the victim and obtain a prompt

and equitable resolution to a complaint.

As soon as possible, but no later than two school days following receipt of a complaint, the principal or the assistant principal will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.

Determining whether the complainant and/or the alleged victim(s) needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of alleged victims and parents of students alleged to have engaged in bullying should be notified of allegations that are serious or involve repeated conduct.

Where appropriate, non-disciplinary methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the victim;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the alleged victims and parents of students alleged to have engaged in bullying, at the conclusion of the investigation, notifying them regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The alleged victim shall be assured of the district's policy against retaliation and shall be directed and encouraged to report immediately if any objectionable behavior occurs again (whether by the alleged perpetrator(s) or others) or if the alleged perpetrator(s) or other individuals retaliate against him/her.

In addition, where the principal or the assistant principal has a reasonable suspicion that the

alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities. If any "mandated reporter" has a reasonable suspicion that the alleged bullying incident involves activity constituting child abuse in the educational setting, such individual shall comply with the policy on reporting of such suspected conduct.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days of the date he/she was informed of the results of the building-level investigation.

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but not later than three school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the alleged victim and alleged perpetrator(s), in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the matter to the President of the Board.

The Board shall render a decision in writing within thirty (30) school days after the request for review has been made.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited, and therefore subject to disciplinary action. Likewise, retaliation against any person who

has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying are alternatives to discipline for violation of the District Code of Conduct and include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the victim of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on an annual basis of the provisions of this policy, either by disseminating the policy or disseminating a plain-language summary, including the procedures for filing a complaint or report of suspected harassment, bullying, or discrimination.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, in new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying, shall receive training to support implementation of this policy, regulation and on related legal developments.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110, Sex Discrimination and Sexual Harassment

0110-R, Sexual Harassment Regulation

0115-R, Dignity for All Students Regulation

0115-E, Dignity for All Students Exhibit (reporting forms)

4321, Programs for Students with Disabilities

5300, Code of Conduct

5465, Child Abuse in an Educational Setting

Ref:

Dignity for All Students Act, [Education Law, §10 - 18](#)

Americans With Disabilities Act, [42 U.S.C. §12101](#) *et seq.*

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](#) *et seq.*

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C §§1400](#) *et seq.*

[Executive Law §290](#) et seq. (New York State Human Rights Law)

[Education Law §§313\(3\), 3201, 3201-a](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)

Pollnow v. Glennon, 594 F.Supp. 220, 224 aff'd 757 F.2d. 496

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998)

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998)

[Oncale v. Sundowner Offshore Services, Inc.](#), 523 U.S. 75 (1998)

[Franklin v. Gwinnett County Public Schools](#), 503 U.S. 60 (1992)

[Meritor Savings Bank, FSB v. Vinson](#), 477 U.S. 57 (1986)

Appeal of K.S. 43 Ed. Dept. Rep. 492

Appeal of Ravick 40 Ed. Dept. Rep. 262

Appeal of Orman 39 Ed. Dept. Rep. 811

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Croton-Harmon Schools
